

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/30/2020
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THOMAS ALBERTO ROBLES,

Plaintiff,

-against-

20-cv-2106 (VEC)

ORDER

HOLY SEE (STATE OF VATICAN CITY; THE
VATICAN); OUR LADY OF MOUNT CARMEL
PARISH; CHURCH OF OUR LADY OF MT.
CARMEL; OUR LADY OF MT. CARMEL
DEVELOPMENT CORPORATION;
ARCHDIOCESE OF NEW YORK a/k/a ROMAN
CATHOLIC ARCHDIOCESE OF NEW YORK;
ARCHBISHOP OF NEW YORK; and THE
SOCIETY OF THE CATHOLIC APOSTOLATE
a/k/a PALLOTTINES,

Defendants.

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VALERIE CAPRONI, United States District Judge:

WHEREAS on April 16, 2020, the Court ordered Plaintiff to show cause why this case should not be dismissed for lack of subject-matter jurisdiction (Dkt. 27);

WHEREAS on April 27, 2020, the Court stayed all Defendants' time to answer or otherwise respond to the Complaint (Dkt. 31);

WHEREAS on June 9, 2020, the Clerk of Court certified that she mailed the Summons and Complaint to Defendant Holy See (Dkt. 44);

WHEREAS Plaintiff's counsel stated that she anticipates Defendant Holy See will reject service from the Clerk of Court thus requiring Plaintiff to seek assistance from the Secretary of State pursuant to 28 U.S.C. § 1608(a)(4) (Dkt. 43-1);

WHEREAS Defendant Holy See has not yet appeared in this action;

IT IS HEREBY ORDERED that the Court will hold its order to show cause in abeyance until Defendant Holy See has filed an appearance and responded to Plaintiff's submission.

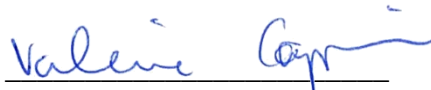
IT IS FURTHER ORDERED that the stay on Defendant Holy See's (*only* Defendant Holy See) time to answer or respond to the Complaint is lifted. If the Holy See chooses to answer the Complaint, on the date its Answer is due, it must also respond to Plaintiff's submission to the Court's order to show cause. Its response must be in the form of a brief, not to exceed fifteen double-spaced pages. Plaintiff may reply within one week of Defendant's response.

IT IS FURTHER ORDERED that if the Holy See chooses to move to dismiss the Complaint, it must include in its memorandum of law accompanying its motion to dismiss a response to Plaintiff's submission regarding subject-matter jurisdiction. The Holy See's Memorandum of Law must abide by this Court's page limits, *see* Individual Rule 4(B).

IT IS FURTHER ORDERED that if Defendant Holy See does not appear in this action after being properly served pursuant to the Federal Rules of Civil Procedure, the Foreign Sovereign Immunities Act, and any other applicable law, Plaintiff must promptly notify the Court by letter of Defendant Holy See's default.

SO ORDERED.

Date: June 30, 2020
New York, New York


VALERIE CAPRONI
United States District Judge